

THE HON'BLE SRI JUSTICE SANJAY KUMAR
AND
THE HON'BLE SRI JUSTICE M.GANGA RAO

WRIT PETITION No.16959 OF 2011

ORDER: (per Hon'ble Sri Justice Sanjay Kumar)

The erstwhile Government of Andhra Pradesh and its Transport Commissioner filed this writ petition aggrieved by the order dated 25.03.2011 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad, in O.A.No.11789 of 2009. The said O.A. was filed by the first respondent herein seeking a direction to the authorities to consider his case for promotion to the post of Road Transport Officer without reference to the charge memos dated 11.09.2006 and 04.10.2008. By the order dated 25.03.2011, the Tribunal directed the authorities to consider the case of the first respondent-applicant as per the parameters laid down in G.O.Ms.No.257, General Administration (Ser.C) Department, dated 10.06.1999 and in the event he was found to be qualified and came within the zone of consideration in terms thereof, to process his claim for promotion to the post of Road Transport Officer.

By order dated 21.06.2011, this Court granted interim suspension of the order under challenge. W.V.M.P.No.2726 of 2011 was filed by the first respondent-applicant to vacate the aforestated order.

Heard the learned Government Pleader for Services-III for the State of Telangana, the successor-in-interest of the erstwhile combined State of Andhra Pradesh in so far as this case is concerned, and Smt.K.Udaya Sri, learned counsel for the first respondent-applicant.

We are at a loss to understand as to why this writ petition was filed at all. It is not in dispute that G.O.Ms.No.257 dated 10.06.1999 was promulgated by the erstwhile Government of Andhra Pradesh prescribing

the guidelines to be followed by the authorities concerned while dealing with the candidature of employees who were facing either disciplinary proceedings or criminal proceedings for further promotion. By the order under challenge, the Tribunal merely directed the authorities to adhere to the said guidelines. It was therefore for the authorities to consider the claim of the first respondent-applicant in terms of the said guidelines and if he was found to be eligible for promotion thereunder, notwithstanding the pendency of the disciplinary proceedings, he ought to have been granted that relief. If, on the other hand, the authorities found him to be disqualified for further promotion as per the said guidelines, they could, as well, have rejected his claim. Without taking recourse to either of the aforestated options, the authorities chose to file this writ petition and stalled the entire exercise. We find absolutely no error having been committed by the Tribunal in directing the authorities to abide by the prescribed governmental guidelines.

The writ petition is therefore devoid of merit and is accordingly dismissed.

Interim order dated 21.06.2011 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

M. GANGA RAO, J

Date: 04.10.2018
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